To be preserved for the present
WD2239.B490. 21/1/25

App.F.IX-4]

1923.

File No. 29-23

*Previous References.* ( R.A. )

Serial Nos. 58 & 67

R.A 29-23 (64)
R.A. 29-23 (17, 23, 29, 39 & 52)

*Later references.*
R.A 81-26-182

# GENERAL & REVENUE SECRETARIAT

*Serial Nos.* 2

Part B for June 1925

SUBJECT

Appeals against elections to the R.A

No. 6745 dated 12/6/25. To Mr. M. Venkatarayudu Reddi.

States that there is no provision in the rules or the Regulation for the recovery of Costs in electing disputes.

B Rangachari.
11/7/25

G. R. S. III—1]

1923-24

GENERAL AND REVENUE SECRETARIAT.

( RA )

NOTES.

File No. 29 ~~58~~

FILE HEADING.

Appeals against elections to the Legl. Assembly.

From Mr. Venkatarayya Reddi Patel & Ors Rd Member, Chikballapur Rural Constituency

No. — Dated 31.7.24 4.8.24 Received 6.8.24

Diary No. 362 Enclos. two Spare Copies. — Serial No. 58

BRIEF ABSTRACT OF LETTER.

States that he has incurred heavy expenses to the extent of Rs 104/12/- during the conduct of Messrs N. Narasayya & Kamasetta-ppa in the election contest from the Chikballapur Rural Constituency to the R.A. & prays that he may be awarded costs to the extent mentioned above as he has succeeded in the election appeal.

NOTES AND ORDERS.

1 Submitted.

2 The original election of Mr. M. Venkata-rayya Reddi was confirmed on appeal in Go. No: P6669-70/RA 29-23-52 dt 31.5.24. And there has been

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

G. R. S. III-2.

General and Revenue Secretariat.

RH File No. 29 of 1923-4

Serial No.

No award as to costs in that order.

3 The petitioner now requests that costs to the extent of Rs 109-12 may be awarded to him against Messrs N. Narayya & Kamasetty who contested his election before the Dy Commissioner by depositing Rs 100/- towards costs as per Rule. If this request may be referred to the Dy Comr for enquiry and disposal.

4 Submitted for orders.

9/8/24

5 Under Rule 5 of No P. 2400-Legis 12-23-7 dated 7th Nov 1923, every objection petition should be accompanied by a deposit of Rs 100/- towards the costs, charges and expenses that may become payable by the applicant. This shows that the deposit of Rs 100/- is meant for meeting the costs of the opponent also.

6 The present petitioner being successful, is entitled to costs incurred by him both in this Court and in the Court before the Govt and also before the Dy C.

Rejd

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 29 of 1923

Serial No.

OFFICE,
15 AUG. 1924
Ex. 12.11

1. He has filed a memo of Costs incurred by him. This has to be scrutinized with the records of the Deputy Commissioner's Court. Therefore this may perhaps be sent to the D.C., to dispose of the question of Costs incurred by the petr after taking evidence if necessary.

13/8

Sd

8 (A). This may perhaps be done as the petr is entitled to his costs.

Sd
13/8

Q. Are there no rules as whether a Scale Map. The 100 B defended with Case Plan Rules there Secy. 19

Sd
13/8

Sd
19

Sent
R.A. with compliments

Sd
19

to [I regret the delay in resubmitting this file. The delay was due to the fact that the file had got mixed up with some files relating to the revision of the Mysore Gazetteer.]

NOTE—Contn. sheet.

(4

General and Revenue Secretariat.

RA File No. 429 of 1923

Serial No.

(1) The Question here is whether the rules relating to the Election of members to the R.A. fix a Scale of the costs which may be awarded to a party to an Election dispute. Rule 5 of the rules published with Notfn no. 2400/Legis 12-23-7 dated 7.11.23 requires that every objection petition shall be accompanied by a deposit of Rs. 100 as security for costs but it does not say how the costs are to be Calculated.

p. 89 of the Manl, Vol I.

(2) The Madras rules on this subject (on which ours are based) consist of two parts:

(1) Electoral rules issued by the Govt. under the Govt of India Act in which Rule 35 provides for the deposit of a sum of Rs. 1000 as security for costs; and

p. 145 of the Madras Manl. Vol I.

(2) the Election Offences and Inquiries Act Section 11 of which relates to the Scale of costs to be awarded to parties.

p. 104 of the Madras Manl. Vol I

(3) In our rules on the subject, we have included a provision corresponding to Rule 35 about a deposit but have not yet provided for the Calculation of the Scale of costs. This is because the Govt decided, when the matter was under consideration

NOTE—Contn. Sheet

APP. F. III—21

5-6 2003/24
P

5

B.42 VD.0531

File No. 29 of 1923

General and Revenue Secretariat.

Serial No.

to introduce into my Sec a Regulation on the model of the Br. Indian Election Offences & Inquiries Act. This decision of the Govt has been communicated to the Local & Legve Secretariat and I believe a draft bill is under preparation. When this Regn is passed by the Leg. Council, provision will have been made for all points arising in connection with Election petitions.

2. In the meanwhile some orders have to be passed on the petition of Vallata Vara reddi claiming a sum of Rs. 109. 12 as costs in the Election dispute in which he was involved. As proposed by the L & L. Secy, the petition may be referred to Dep^y Cr., Kolar District, for necessary inquiry & disposal

DSwan — RR 26/3

No Files in the L. & L. Secretariat

Papers under disposal

Please see p. 3 of the note.

3. Whenever there is a reference to the case of Govt by Court when there is no provision in the rules or regulations for the recovery of costs — the party should be required accordingly & their petitions are prepared & may be treated as non-petitions & appropriately proceeded.

RR 25/3

L. & L. Secy with Court's RR

RR 26/3

RR 27/3

OFFICE
REGD. ... 26 MAR 1925
Reg. No 1524

APP. F. III–2]

General and Revenue Secretariat.

File No. 29 of 1923

Serial No.

17. Draft submitted

28/5

28/5

67 To Mr. M. Venkataraya Reddi.

No. 6745—DC 12. 6. 25.

State that there is no provision in the rules or the Regulation for the recovery of costs in election disputes.

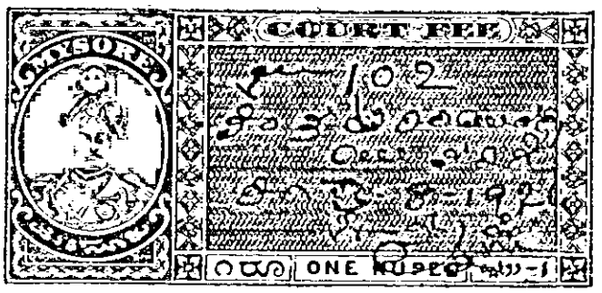
Received today from the Asst Secy's room.

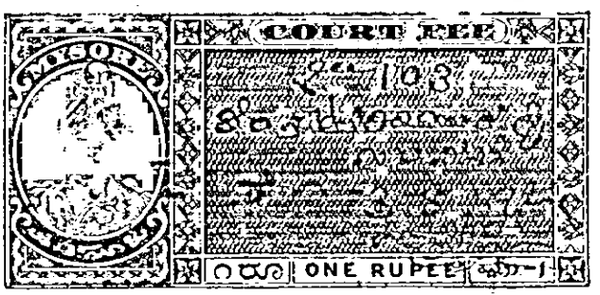
11/6

28/6

8121

R. A-29-23-58 562 P




BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

R. A. E. APPEAL No. of 1923-24.

M. Venkataraya Raddy - - - Appellant.

VS

H. Naranayya - - - Respondent.

Re:- P66690-70 R.A. 29-2352 D/ 31-5-24 the appellant begs to state as follows:-

1. That the respondent and one Kannasettappa preferred a petition to the Deputy Commissioner of Kolar praying for the setting aside of the election of the appellant to the Representative Assembly for the Chickballapur Rural Constituency and deposited Rs. 100/- towards costs etc. as per rules.

2. The Deputy Commissioner cancelled the election and in the appeal the case is decided in favour of the appellant.

3. Owing to the conduct of the respondent and Kannasettappa the appellant has incurred heavy expenses to the extent of Rs 109/12/as per details given in the schedule.

4. That no costs have been awarded to the appellant though the deposit is meant towards the costs of the appellant.

5. Under these circumstances the appellant prays that costs to the extent of Rs 109/12/- may be awarded

awarded to him against the respondent and Kannasettappa or in case the Government deems that an enquiry may be held with regard to the quantity of costs the same may be referred to the Deputy Commissioner for enquiry and disposal. I herein enclose the Government order received from the Deputy commissioner confirming my original election in Appeal for perusal and the schedule of costs.

Bangalore,
dated 4/8/24

Appellant.

I declare that what is stated above is true to the best of my knowledge and I affix my signature this 31st day of July 1924 in Bangalore City.

Date. 31/7/24
Date. 4/8/24.

Appellant.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

Petition dated 13-3-1924 from Mr. M. Venkataraya Reddi, residing at Mandikal, Chikballapur Taluk, appealing against the order of the Deputy Commissioner, Kolar District setting aside his election from the Chikballapur Rural Constituency to the Representative Assembly on the ground of malpractice and requesting that the original election may be restored.

2. Correspondence ending with letter No:M.C.320/23-23 dated the 8th April 1924, from the Deputy Commissioner, Kolar District, forwarding the entire file of records connected with the enquiry leading to the order reversing the election of Mr. Venkatarayareddi and declaring Mr. M. Narainiah, Advocate as duly elected.

Order No:P.6869-70/Records.R.A.20-23-G2 dated Bangalore, the 31st M a y 1924.

On a perusal of records and a careful consideration of all the facts of the case, Government are of opinion that the Deputy Commissioner's decision is based on what is apparently unsatisfactory evidence. In a case of this nature, it is necessary that a corrupt practice should be very clearly proved. They are accordingly pleased to reverse the order of the Deputy Commissioner and to confirm the original election of Mr. M. Venkatarayareddi.

C. ABDUL GHANI,
For Secy to Govt. Local & Legis.Depts.

R.M.C.320/23-24 dated Kolar, the 6th June 1924.

Copy is forwarded to the Sub Division Officer, Chikballapur Division and the Amildar of Chikballapur Taluk for information and guidance. Mr. Venkatarayareddi and Mr. M. Narainiah should be informed of the decision of Government forthwith.

Copy is forwarded to Mr. M. Narainiah, Advocate, Chikballapur and to Mr. Venkatarayareddi, of Mandikal, Chikballapur Taluk for information.

For Deputy Commissioner,
Kolar District.

V.V.R.4.

## Schedule of Costs :—

| No. | Particulars | Rs | as | pies |
|---|---|---|---|---|
| 1 | Copies Stamps ..... | 4 | 10 | 0 |
| 2 | Lawer fees in the Lower Court | 12 | 0 | 0 |
| 3 | Witnesses expendeture (11 Witnesses) | 23 | 2 | 0 |
| 4 | Traveling expendeture for the 1st apponent from Mandikal to Kolar for having attended the District Court-hoice at the rate of 2nd Class ..... | 30 | 0 | 0 |
| 5 | Stamp for Government-appl. Vakalat, Typing Charges ..... | 4 | 0 | 0 |
| 6 | Lawer fees in Govt appl .. | 20 | 0 | 0 |
| 7 | Appelents expendeture to to go to Bangalore from Mandikal in Chik-Ballapur Tq. | 16 | 0 | 0 |
| | Grand Total | 109 | 12 | 0 |

Appellant

App.F.VI-G1.]

SUBJECT States that there is no provision in the Rules or the Regulation for the recovery of costs in election disputes.

Section RA

File No. 29-23

Serial No. 67

No. 6745

Diary No. of letter replied to 562/P

General and Revenue Secretariat
( RA )
, the 192

To M. Venkataraya Reddi
R.A. Member and Patel
Mandikal
Chikballapur Taluk.

Date of issue 12/6/21

Signed by Hy. C.A.

With reference to his petition Regd No. 562/P dated 4.8.1921 praying that costs to the extent of Rs 109-12-0 may be awarded to him against Messrs H. Narasinga & Kamadattappa ~~who~~ contested his election to the Rep. Assembly from the Chikballapur ~~Con~~ Rural Constituency before the Deputy Commissioner Kolar ~~& which was cancelled~~ in the election dispute

over

List of enclosures

Copied by

Examined by

~~But~~ which was decided
in his favour by Government
on appeal. Mr. Venkata
Raya Reddi is informed
that there is no provision
either ~~in the Rules relating~~
to the Rep: Assembly or the
~~Rep: Assembly Regulation~~ Rajputana or the rules
issued thereunder
for the recovery of costs in
disputes relating to elections.
By order

For Secretary to Govt
Legislative Department.

Memo.

Copy of the above
is forwarded to the Deputy
Comr. Adilabad for
information.
By order

6746 dated 12/6/25

For Secretary to Govt
L & L Department.